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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,476	08/17/2001	Siani Lynne Pearson	B-4279 619006-5	5191

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,476

Applicant(s)

PEARSON ET AL.

Examiner

Andrew L. Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/17/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-17 are pending.

Election/Restrictions

2. Newly submitted claims 11-17 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 1-10, drawn to allowing a transaction to be performed if a terminal's integrity can be assured, classified in class 713, subclass 168.
- II. Claims 11-17, drawn to controlling boot-up of a computing platform with a trusted process, classified in class 713, subclass 2.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility such as ensuring that a terminal is trusted before allowing financial transactions. Further, Invention II has separate utility of controlling a boot-up of a computing platform with a trusted process to acquire an integrity metric for the platform. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-17 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

3. Applicant's arguments filed 30 March 2005 have been fully considered but they are not persuasive.

4. Applicant has argued on pages 8-9 that the Deo reference (US Patent No. 5,721,781) fails to teach the obtaining of an integrity metric indicative of at least one operating variable associated with the electronic transaction terminal. Examiner respectfully disagrees. Given its broadest reasonable interpretation, Examiner contends that an integrity metric indicative of at least one operating variable associated with the electronic transaction terminal may be viewed as the terminal certificate. The terminal's certificate is used in order to prove the integrity of the system (Deo, column 5 lines 45-67) and Deo's certificate contains at least one operating variable in the form of information regarding the domain or environment that the holder may operate in. Thus, Deo teaches an integrity metric in the form of domain/environment restrictions that provide assurance/integrity that a terminal is authorized to participate in a transaction in a specific domain/environment (Deo, column 5 lines 45-50, column 8 lines 33-42).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Deo et al US Patent No. 5,721,781. Deo discloses an authentication system for smart card transactions.

7. With regards to claims 1, 5 and 8, Deo teaches the interrogating of an electronic transaction terminal with an electronic security device to obtain an integrity metric for the electronic financial terminal, the integrity metric indicative of at least one operating variable associated with the electronic transaction terminal (Deo, column 5 lines 45-50, column 8 lines 33-42), determining if the transaction terminal is a trusted terminal based upon the integrity metric (Deo, column 5 lines 45-50, column 8 lines 33-42, certificate), and allowing financial transaction data to be input into the transaction terminal if the transaction terminal is identified as a trusted terminal (Deo, Figure 8 Item 132, column 10 lines 25-30).

8. With regards to claim 2, Deo teaches the providing of user identification data for the user of the electronic security device to the transaction terminal via the security device to allow authorization of the transaction associated with the financial transaction data (Deo, column 9 lines 24-38).

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9. With regards to claim 4, Deo teaches the compartmenting of different types of transactions into different compartments (Deo, column 4 line 63 – column 5 line 4).

10. With regards to claim 10, Deo teaches the device being a wireless trusted personnel device (Deo, column 4 lines 22-35).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al US Patent No. 5,721,781 in view of Audebert US Patent No. 6,694,436.

Audebert discloses a terminal and system for performing secure electronic transactions.

13. With regards to claims 3 and 6, Deo fails to teach the displaying of a user secret if the terminal is identified as a trusted terminal. Audebert teaches the displaying of a user secret if the terminal is identified as a trusted terminal (Audebert, column 25 line 65 – column 26 line 25, password displayed by terminal). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Audebert's method of displaying secrets if a terminal is trusted with Deo's authentication system because it offers the advantage of providing assurance to the user that the terminal module is authentic and safe for use (Audebert, column 26 lines 19-25).

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14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al US Patent No. 5,721,781 and Audebert US Patent No. 6,694,436, as applied to claim 6 above, and in further view of Hind et al US Patent No. 6,772,331. Hind discloses a method for exclusively pairing wireless devices.

15. With regards to claim 7, Deo as modified fails to teach the deleting of the user secret after completing the transaction. Hind discloses the deleting of the user secret after completing the transaction (Hind, column 9 lines 57-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Hind's deletion method with Deo as modified because it offers the advantage of increasing security by reducing the likelihood that a secret may be compromised and used for impersonating a user (Hind, column 3 lines 17-32).

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al US Patent No. 5,721,781 in view of Boerbert US Patent No. 5,272,754. Boerbert discloses a secure computing interface.

17. With regards to claim 9, Deo fails to teach a switch for initiating transfer of financial transaction data to the transaction terminal if the terminal is identified as trusted. Boerbert teaches a switch for initiating transfer of financial transaction data to the transaction terminal if the terminal is identified as trusted (Boerbert, column 10 line 63 – column 11 line 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Boerbert's method of switching with Deo's authentication system because it offers the advantage of giving assurance

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that a user is operating the device and instructing transmission to take place instead of malicious software impersonating a user (Boerbert, column 2 lines 10-24).

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272

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3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

AN

Andrew Caldwell

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**